

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DANIEL A. CARSTETTER,	:	CIVIL NO. 1:06-CV-1993
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
ADAMS COUNTY TRANSIT AUTHORITY,	:	
	:	
Defendant	:	

REPORT AND RECOMMENDATION

The plaintiff has filed an amended complaint (Doc. 14) and has named an additional defendant, the York County Transit Authority.

On April 5, 2007, defendant Adams County Transit Authority filed a motion to dismiss the amended complaint (Doc. 16) based upon, *inter alia*, the failure to comply with Rule 15 of the Federal Rules of Civil Procedure. A brief in support was filed. (Doc. 17).

The filing of the amended complaint does fail to comply with Rule 15. The defendant had filed an answer (Doc. 3) on November 28, 2006, and leave of court to file an amended

complaint was neither sought nor given. The amended complaint also does not comply with LR 5.1.

Under the case management order (Doc. 12), the deadline for an amended complaint is March 30, 2007 and the deadline for an additional party is March 30, 2007. The case management order deadlines do not permit a party to bypass the requirements of Rule 15 of the Federal Rules of Civil Procedure or LR 15.1.

Even though the time for filing a brief in opposition to the motion to dismiss has not expired, it is recommended that the motion to dismiss the amended complaint be granted and that the complaint be stricken so that the case shall go forward on the basis of the initial complaint.

It is recommended that the motion to dismiss the amended complaint be granted and that the amended complaint be stricken. The case should be remanded to this magistrate judge.

/s/ J. Andrew Smyser
J. Andrew Smyser
Magistrate Judge

Dated: April 9, 2007.